

Report on International Prison Conditions¹

Global Conditions in Prisons and Other Detention Facilities

In the late night hours of February 14, 2012 an open flame near two bunk beds at the National Penitentiary in Comayagua in Honduras ignited a fire that swept through the crowded prison and killed more than 360 people.² In September, broadcast television networks in Georgia showed graphic video of prison guards beating, sodomizing, and verbally abusing inmates in Gldani Prison No. 8, sparking a national debate.³ And nearly a month later, a massive gunfight broke out in Sri Lanka's crowded Welikada prison between inmates and police commandos, leaving at least 27 individuals dead and 43 injured.⁴

These recent tragedies have their unique causes and trajectories. But they also reflect a serious challenge facing governments worldwide: ensuring those in detention and incarceration are treated humanely in environments that are safe and secure.

There are roughly 10.1 million people formally imprisoned worldwide, according to the latest estimates by the International Centre for Prison Studies' World Prison Brief.⁵ There are many others who are either detained in military detention facilities, held in some form of administrative detention, or detained by police and other security forces with little or no legal process.

There are three broad categories of U.S. Government human rights and humanitarian concerns regarding persons held in detention: 1) unsafe prison conditions, including overcrowding, poor sanitation, inadequate access to food or potable drinking water, and poor medical care, including inadequate services for people with disabilities; 2) mistreatment of prisoners by prison staff or other authorities; and 3) inadequate legal protections leading to prisoners' incarceration, as well as failure to respect the right to legal redress while in prison. This report addresses all three of these problems. Unless otherwise noted, information about these problems comes from the Department of State's most recent Country Reports

¹ This report only covers international prison conditions. Related issues within the United States are reported on by other federal and state agencies.

² <http://honduras.usembassy.gov/pr-022112-eng.html>

³ *TIME*, October 2, 2012, <http://world.time.com/2012/10/02/inside-the-prison-that-beat-a-president-how-georgias-saakashvili-lost-his-election/>

⁴ *BBC News*, November 10, 2012, <http://www.bbc.co.uk/news/world-asia-20267735>

⁵ International Centre for Prison Studies (ICPS), http://www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_poptotal

on Human Rights Practices or from recent reporting by Department of State officials.

Poor Prison Conditions

A majority of the world's prison systems do not function at the level of the United Nations' Standard Minimum Rules for the Treatment of Prisoners. In some countries, relevant international obligations and standards are deliberately disregarded.

1. Prison Overcrowding⁶

Overcrowding is a central problem in prison management around the globe. In Ukraine, for instance, overcrowded conditions in at least one detention facility compelled detainees to sleep in shifts in 2012. In Eritrea, severe overcrowding in regular prisons resulted in people being held in irregular facilities, including unventilated shipping containers or crowded basements without ventilation or sanitation. And in Sri Lanka, it is estimated that the prison system routinely houses approximately three times its capacity, which is believed to have contributed to the violent confrontation in November 2012 mentioned above.⁷

For many countries, overcrowded facilities are symptomatic of broader issues, such as overwhelmed and inefficient justice systems, untrained and corrupt law enforcement officials, or mismanaged and underpaid prison staffing. For example, many prisons in Central America are under the supervision of the military or local national police force – organizations which generally lack expertise in prison operations and management. As a result, some corrections systems are devoid of competent managers; lack standard operating procedures or are unable to implement them; and often demonstrate little-to-no commitment to staff training, development, and treatment. In Serbia, there were more than 11,000 prisoners in a system designed for 6,500 and poor sanitation was a problem in many facilities. There were some reports of physical abuse of detainees in police custody as well as by prison guards in some locations. In Chad, Amnesty International described prison conditions generally as “so deplorable that they

⁶ While the Department encourages use of the general standard in section 7085(b)(1) of Public Law 111-117 for guiding our assessment of whether prison conditions are overcrowded (i.e., “the number of prisoners or detainees does not so exceed prison capacity such that per capita floor space is sufficient to allow for humane sleeping conditions and reasonable physical movement”), we note that such a standard is still subject to variation between countries. Thus, in many cases in this report, we also use the term “overcrowded” with regards to prison conditions in a particular country if the prison population exceeds that country's own determined prison capacity.

⁷ *New York Times*, November 11, 2012, http://www.nytimes.com/2012/11/12/world/asia/sri-lanka-opposition-says-27-prisoners-died-in-a-massacre.html?_r=0

amount to cruel, inhuman, and degrading treatment or punishment.” Additionally, regional detention centers had a very limited budget for food and provided few meals for inmates. Prison guards were not regularly paid and sometimes “released” prisoners who offered compensation in return.

In Liberia, the courts’ difficulty in processing cases led to the extended pretrial remand of hundreds of detainees in 2012. An estimated 78 percent of all prisoners in Liberia were pre-trial detainees and while the average length of pre-trial detention varied, in some cases the length of pre-trial detention exceeded the maximum length of sentence that could be imposed for the alleged crime. In August 2012, Liberia’s Solicitor General reported that the Monrovia Central Prison was holding 1,015 inmates in a space designed for 374. In Bangladesh, approximately two-thirds of the prison population were awaiting trial or detained for investigation, contributing to a prison population of approximately 68,700 in 2012, almost double capacity. Likewise, severe overcrowding has long plagued Venezuela, where in 2012, more than 45,000 inmates were imprisoned in a nationwide system designed for an estimated capacity of 14,500 individuals, around 70 percent of whom spend months and years in pre-trial detention awaiting a court date.⁸

The acute and widespread challenges posed by overcrowded prisons around the world often lead to other serious problems. Overcrowded prisons are more likely to be unsanitary, violent, difficult to control, and difficult to administer. In South Sudan, despite efforts by the prison service, limited resources and judicial capacity led to harsh, overcrowded, and life threatening prison and detention center conditions that resulted in illness and death. Lack of water reportedly led to riots in Juba Prison in August 2012, and many detention centers in rural areas consisted of uncovered spaces where detainees were chained to a wall, fence, or tree, often unsheltered from the sun.

In Haiti in 2012, severe overcrowding forced prisoners to sleep in shifts and led to significant problems relating to ventilation and sanitation. UN observers also indicated approximately 70 percent of prisoners and detainees in Haiti suffered from a lack of basic hygiene, malnutrition, poor quality health care, and water-borne illnesses. In Benin, overcrowding and lack of proper sanitation and medical facilities posed serious risks to prisoners’ health. A 2010 ombudsman report on conditions in the nine civil prisons there found lack of medical care and

⁸ *BBC News*, July 27, 2012, <http://www.bbc.co.uk/news/world-latin-america-19003776>
The Economist, September 22, 2012, <http://www.economist.com/node/21563288>
ICPS, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=224

ventilation in cramped and overcrowded facilities led to deaths. The report, commissioned by the president, indicated the total prison population (including pretrial detainees and remand prisoners) was 6,908 in a system with an official capacity of 1,900. In Lebanon, overcrowding was particularly acute in the central prison in Roumieh, which operated at almost double capacity in 2012, and where a violent riot in 2011 resulted in the destruction of much of the infrastructure, including plumbing and central air. Prisoners at Roumieh slept on bedrolls, often 10 to a room originally built to accommodate two prisoners. In Brazil, on May 5, 2012 four prisoners were killed during a rebellion inside the Anibal Bruno prison in Pernambuco State, which is considered one of the most overcrowded in the country, with 4,493 prisoners in a facility designed for 1,448. Information released by the Ministry of Health in Ethiopia in 2012 stated nearly 62 percent of inmates in various jails across the country suffered from mental health problems as a result of solitary confinement, overcrowding, and lack of adequate health care facilities and services. Similarly, in 2012, overcrowded conditions in state facilities in Mexico, particularly in Baja California, were found to threaten the health and lives of prisoners.

Even in countries in Western Europe with relatively greater resources such as Italy, Ireland, Belgium and France, prison overcrowding continues to be a problem. In Italy, for example, in 2012, 66,529 inmates were held in 206 prisons designed to hold 47,048 people. The United Nations Office on Drugs and Crime (UNODC) has called prison overcrowding “the most worrying emergency that the Italian penitentiary system has to deal with.”⁹ In a recent Chamber decision that is not yet final, the European Court of Human Rights ruled in January that overcrowded prisons violated the prohibition of torture and inhuman or degrading treatment under the European Convention on Human Rights and ordered changes be made within a year.¹⁰

2. Mistreatment of Prisoners

The deliberate physical, psychological, and sexual mistreatment of inmates by prison officials is also a persistent and pervasive issue of concern. In many cases, these abuses occur in police stations, on military bases, or in pretrial detention facilities. Pre-trial detainees are often at greatest risk of being mistreated, according to the Open Society Foundation because they are often under

⁹ UNODC, <http://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/ITALY-GOV-20-En.pdf>

¹⁰ *CASE OF TORREGGIANI AND OTHERS v. ITALY* -, <http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-4212710-5000451>. Specifically, the court held that the 3 sq. m of personal space allotted to each of the applicants in their cells was insufficient; it pointed out that the standard recommended by the Committee for the Prevention of Torture in terms of living space in cells was 4 sq. m per person.

the sole control of the detaining authorities, who may “perceive torture and other forms of ill-treatment as the easiest and fastest way to obtain information or extract a confession.”¹¹ Transparency regarding pre-trial detention practices, tracking of detainees, and regular outside monitoring are important to the prevention of mistreatment at this vital stage of custody. Immediate and regular access to family and legal counsel are also important as protective measures.

Political prisoners and prisoners of conscience are particularly vulnerable to deliberate mistreatment. In Iran, trials often feature coerced confessions that are used to secure convictions against prisoners of conscience. In Iraq in 2012, a number of Vice President Tariq al-Hashemi’s bodyguards were arrested and allegedly tortured by security officials to obtain forced confessions against the vice president. Similar reports emanated from Madagascar in 2011, where family members of Alphonse Ravalomanana and Misa Arifetra Rakotoarivelo claimed confessions they made against the leader of former president Marc Ravalomanana’s political faction were extracted pursuant to electrical shock and physical violence. The two men were subsequently sent to Ambatololma Prison.

In addition, abusive authorities often intimidate or degrade prisoners as a technique to exert control over or punish political prisoners. In North Korea, political detainees are routinely subjected to systematic physical and psychological mistreatment. According to numerous defector accounts and NGO reports, prisoners experience severe beatings, electric shock, public nakedness, confinement in small immobile cells, and the coercion of mothers to watch infanticide of their newborns. In Syria, activists cited hundreds of credible cases of security forces allegedly abusing and torturing prisoners and detainees during 2012. Human Rights Watch reported the government held tens of thousands of protestors and activists on whom it inflicted beatings, electric shocks, and other abuse.

In some countries, the deliberate mistreatment of prisoners has been an entrenched practice for many years, creating particular challenges for those seeking to reform and improve prisoner treatment. Thus, for instance, in Afghanistan in January, UNAMA issued a report, echoing previous reports by the Afghanistan Independent Human Rights Commission (AIHRC), which found “sufficiently credible and reliable evidence that more than half of 635 detainees interviewed experienced torture and ill-treatment in numerous facilities of the Afghan National

¹¹ Open Society Foundation, “Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk,” June 2011, <http://www.opensocietyfoundations.org/sites/default/files/pretrial-detention-and-torture-06222011.pdf>

Police (ANP), National Directorate of Security (NDS), Afghan National Army (ANA) and Afghan Local Police (ALP) between October 2011 and October 2012.”¹² In Iraq, domestic and international NGOs reported common methods of torture and mistreatment included stress positions, beatings, broken fingers, electric shocks, suffocation, burning, removal of fingernails, suspension from the ceiling, overextending the spine, beatings on the soles of the feet with plastic and metal rods, forcing victims to drink large quantities of water then preventing urination, sexual assault, denial of medical treatment, and death threats. And human rights organizations in Pakistan reported police sometimes tortured and mistreated those in custody with methods that included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters.

In many countries, where police lack the resources, experience, or capacity to formally investigate or prosecute criminal conduct, the use of abusive physical or psychological acts are the traditional means for extorting confessions. For example, in Cambodia, NGOs documented the torture of almost 100 prisoners in 2012, the vast majority while in police custody, and reported it was not uncommon for police to torture detained suspects until they confessed to a crime. And while 2012 witnessed some improvements in Burma’s overall human rights situation, security forces reportedly continued to subject detainees to harsh interrogation techniques.

3. Inadequate Legal Process

Prisoners are often denied the minimum legal protections and legal process guarantees in the three phases of their detention or imprisonment: in the pre-trial phase; at trial; and in the post-conviction stage while they serve their sentences.

A significant number of countries deny fair and adequate process to detainees before they reach trial. Throughout the Americas, for example, between 10-40 percent of the entire incarcerated population is behind bars without a conviction.¹³ In Panama, the government regularly imprisons inmates for more than a year before a judge’s pretrial hearing, and in some cases pretrial detention exceeds the minimum sentence for the alleged crime. In China, pretrial detention periods of a year or longer are common and police often deny detainees the ability to meet with defense counsel. Moreover, while Chinese law requires notification

¹² United Nations Assistance Mission in Afghanistan, “Treatment of Conflict-Related Detainees in Afghan Custody: One Year On,” January 2013,

<http://unama.unmissions.org/LinkClick.aspx?fileticket=VsBLOS5b37o%3D&tabid=12323&language=en-US>

¹³ Americas Quarterly, Prisons: In Jail, But Not Sentenced: <http://www.americasquarterly.org/aborn-prisons>

of family members within 24 hours of detention, individuals are often held without notification for significantly longer periods, especially in politically sensitive cases. In Eritrea, very few detained persons, and no cases involving individuals detained for national security or political reasons, were brought to trial in 2012, despite many arrests on national security grounds.

In Saudi Arabia, the Ministry of Interior, to which the majority of forces with arrest power report, maintains broad powers to arrest and detain persons indefinitely without judicial oversight or effective access to legal counsel or family. In some instances, authorities held persons for weeks, months, and sometimes years and reportedly failed to promptly advise them of their rights, including their right under Saudi law to be represented by an attorney. In Zimbabwe, authorities often deny detainees prompt or regular access to their lawyers and relocate detainees frequently, without disclosing the new location to their families and lawyers. In Uzbekistan, specific types of prisoners, including those charged with religious or extremism charges or political prisoners were often denied visitation by family.

Globally, detainees also experience a wide range of due process shortcomings during trial. In Cuba, for instance, despite the fact that the law presumes defendants to be innocent until proven guilty, authorities often place the burden on the defendant to prove innocence rather than on the prosecution to prove guilt. Politically motivated trials are often held in secret, citing exceptions to the right to a public trial for crimes involving “state security” or “extraordinary circumstances.” Criteria for admitting evidence are often arbitrary and discriminatory. Prosecutors routinely introduce irrelevant or unreliable evidence to prove intent or testimony about the revolutionary credentials, or lack thereof, of a defendant. Many detainees, especially those accused of political crimes, report their attorneys have difficulties accessing their files due to bureaucratic and administrative obstacles.

In Vietnam, the Communist Party of Vietnam (CPV) controls the courts at all levels and in many cases it determines verdicts. Political influence, endemic corruption, and inefficiency distort the judicial system and prison sentences. The party’s influence is particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state. In Iran, the UN Human Rights Council and various human rights groups, including Amnesty International, Human Rights Watch, and Reporters without Borders (RSF), frequently condemn trials that disregard international standards of fairness. The government often charges individuals with vague crimes such as

“antirevolutionary behavior,” “moral corruption,” “siding with global arrogance,” and “crimes against Islam.” Secret or summary trials of only five-minute duration frequently occur.

Once convicted, many prisoners have limited access to counsel or others who can monitor or defend their rights. In Belarus, for instance, human rights advocates who are not members of state-controlled bar associations have no access to prisoners and detainees, and cannot provide them with legal advice. According to the UN Organization for Stabilization in the Democratic Republic of the Congo, security services in the DRC, particularly the intelligence services and the Republican Guards, continue to operate numerous illegal detention facilities to which authorities routinely deny family members, friends, and lawyers access. In Qatar, prisoners and detainees generally had access to visitors but prison officials limit access to family and legal counsel at the state security prison. In many other countries, prisoners are denied access to legal counsel throughout the period of their imprisonment.

Overview of International Prison Reform Efforts by the United States Government

The U.S. government has a number of policies and programs aimed at addressing the range of problems outlined above. In 2012 three Department of State bureaus – International Narcotics and Law Enforcement (INL), Democracy, Human Rights and Labor (DRL), and Consular Affairs (CA) – collaborated to publish a practical guide to understanding and evaluating prison systems for Department personnel. Its purpose is to provide foreign and civil service officers in the field with a basic understanding of prison systems, their operations, and nomenclature. This knowledge base is essential as a starting point for gathering accurate information regarding corrections and prison systems, which in turn serves as the foundation for effective foreign policy decision making and program assistance efforts. The guide is attached to this report at [appendix B](#).

In response to Congressional interest, the State Department also has significantly enhanced its reporting on prison conditions in its annual human rights reports in recent years. The Human Rights Reports now include specific subsections on prisons that cover physical conditions, administration, monitoring, as well as what steps, if any, countries are taking to improve prison conditions. Additionally, the Department has added reporting requirements on such matters as whether there are ombudsmen available to bring prisoner concerns to higher authorities, adequate recordkeeping on prisoners exist, authorities use alternates to sentencing for nonviolent offenders, prisoners are allowed to worship in the

manner they wish, potable water is available, and protections against extreme cold and heat and adequate ventilation are provided.

Within the Department of State, INL and DRL are most active in developing and implementing support programs to address the various prison condition deficiencies faced by countries worldwide. Since INL launched its first bilateral corrections program with Iraq in 2003, it has undertaken prison-related initiatives in more than 25 countries. Currently, INL funds 23 programs – many in partnership with U.S. federal and state agencies – aimed at developing sustainable prisons and corrections systems overseas that are safe, secure, humane, and transparent.

In South Sudan, for example, INL has obligated \$6.5 million since 2010 in support of the country's first prison training center for corrections officers, the Lologo training academy. The goal of the academy is to help the National Prison Service of South Sudan deal with one of its most pressing challenges – the development of competent and capable corrections officers and managers. INL has also provided support funds to UN trainers and facilitated a remand board for juveniles in South Sudan to reduce the pretrial backlog of juveniles in detention.

INL's funding, programming, and advisory assistance is also helping Mexico transform its federal penitentiary system. Since 2009, INL has assisted the Mexican government with establishing its first federal penitentiary academy, and an objective classification system to determine the housing and programs an individual inmate will receive based on the individual's threat, risk, and needs. The bureau has also initiated partnerships with several U.S. federal and state corrections agencies, all of which have been instrumental in assisting the Government of Mexico in achieving its goals, including receiving independent accreditation of eight federal penitentiaries by the American Correctional Association.

In Morocco, INL has been working with the Delegate General for Penitentiaries and Reinsertion Administration for the last three years. As a result of this engagement, there have been measurable and significant changes in training and institutional management, including improvements in inmate classification and intake screening, security procedures, and inmate re-entry.

In some countries, INL sends advisors to work to improve local prison systems. In Brazil, for instance, INL has partnered with the state of Rondonia and the National Penitentiary Department to design and implement a new correctional management model that will assist the government in professionalizing its

correctional system. This training includes a full range of programs, from effective and humane prisoner classification models to instruction in emergency management and response. INL also works with the governments of Pakistan and Afghanistan to assist them in the development and management of safe, secure, and humane correctional systems that meet international standards and norms. In these countries, INL provides corrections management training, advisory support, capacity building, equipment and infrastructure assistance, and facilitates assistance for vulnerable incarcerated populations. For several years, INL has also worked with the Government of Serbia on a program to establish a witness protection unit inside the prisons. This program includes technical assistance in improving operations and the management of the prison population.

Since 2010, DRL has directed more than \$5 million to prison support programs around the globe. DRL's prison reform programming focuses on the human rights dimension, and includes training prison guards on the rights of prisoners, supporting civil society to provide free legal aid to detainees, and educating youth on the importance of staying out of jail. DRL's programs have also addressed challenges such as the lack of well-trained or paid judges and attorneys at the local level, and the denial of access to adequate food and health care and problems related to severely overcrowded prison facilities. DRL also partners with NGOs worldwide to research and improve prison conditions, provide human rights and rule of law training, and increase awareness of, and protection for, the rights of detainees.

In the Democratic Republic of Congo, for example, DRL's partners are working to increase the capacity of police units, magistrates, and clerks to protect prisoners' rights; inform detainees about their rights; and improve civil society's ability to advocate for improvements in the legal framework for detainee rights and to educate prisoners about their rights. In southern Iraq, DRL has supported training for both prison guards and prisoners, which recently led some prisoners to lodge legal complaints to improve prison conditions. And in Morocco, a legal reform program aimed at enabling more equitable and humane treatment of accused youth offenders, created a juvenile detention tool that was used by judges to make decisions on pretrial release or detention.

DRL also has partnered with a South Korean NGO to comprehensively document a range of human rights violations in North Korean detention facilities and political prison camps and to encourage discussions to improve conditions inside the country. This partner NGO conducted over 100 interviews with refugees

and produced reports that address human rights conditions in North Korea's detention facilities and political prison camps.

In limited circumstances, the United States Agency for International Development (USAID) also has the ability to address prison conditions through its programs.¹⁴ In Haiti, Colombia, El Salvador, and Guatemala, USAID Missions have worked to address prison overcrowding through the reform of penal codes and by improving processes such as alternative dispute resolution to reduce the amount of time individuals spend in pre-trial detention. USAID has also supported juvenile justice reform programs in the Caribbean and Central America, aimed at reducing youth incarceration and recidivism and separating youth from adult prison populations.

Prior to the dismissal of USAID from Russia in December 2012, USAID worked with Russian penal reform activists through its Conditions of Confinement program, an important vehicle for strengthening engagement between Russian and U.S. NGOs on areas of mutual concern surrounding prison reform. Between May 2011 and June 2012, program participants met three times and shared best practices on a range of issues common in both the U.S. and Russian penitentiary systems, including the treatment of inmates in pre-trial detention, prison conditions, and overcrowding. During one of their visits to the United States, the Russian delegation toured a municipal detention center in Baltimore, met with law enforcement officials at the Justice Department, and met with staff of the U.S. Helsinki Commission and the Senate Foreign Relations Committee as well as representatives from the State Department. This program provided the requisite space for the Russian representatives of civil society to talk openly about their shared challenges and determine strategies for how to apply the lessons learned back home.

USAID also has supported programs to improve health conditions in prisons. USAID/Haiti, for instance, supports a Health Program to Reduce and Control Contagious Diseases in Haiti's prisons, which aims to reduce mortality and prevent the spread of infectious diseases, particularly cholera, HIV/AIDS and tuberculosis through adequate diagnosis and treatment. In 2008, USAID also provided Cambodia over 650 mosquito nets as well as food, toiletries, and drinking

¹⁴ Under Section 660 of the Foreign Assistance Act of 1961, as amended, USAID is generally prohibited from providing training, advice, or any financial support, for police, prisons, or other law enforcement forces. USAID must rely on available exceptions or notwithstanding authority to undertake activities prohibited by Section 660. 660 applies to everyone using foreign assistance funds, not just USAID.

water to youth and pregnant women serving sentences in the country's prison systems.

In partnership with INL, the Department of Justice also assists in addressing problematic prison conditions globally through its International Criminal Investigative Training Assistance Program (ICITAP). In 2003, INL partnered with ICITAP on the corrections assistance program in Iraq. During that time frame, ICITAP corrections advisors led U.S. government efforts to reestablish a national prison system in Iraq, develop Iraqi capacity to manage the new system, and ensure that the system functioned safely and securely. ICITAP advisors helped Iraq establish and operate the National Corrections Training Center in Baghdad, conducted comprehensive field training, and mentored executive-level managers and supervisors to prepare them to operate a cohesive national corrections system. The team conducted prison assessments and collaborated with the Iraq Corrections Service (ICS) to develop a prison audit tool that complied with international standards for the treatment of prisoners. When the program closed in December 2011, Iraqi leaders were independently managing a system that operated 30 prisons, housed approximately 28,000 inmates, and employed more than 19,000 staff.

The Federal Bureau of Prisons (FBOP) has also provided prison reform assistance to 17 countries. This assistance is primarily comprised of visits by foreign delegations to BOP institutions and briefings by BOP staff on issues ranging from inmate and staff management to prisoners' rights and correctional services. In some cases, the foreign delegation remained at one of the BOP institutions for several days where they observed a variety of operations and shadowed staff. In addition, BOP staff occasionally participate in advisory and assessment missions overseas. For example, in 2010, the BOP sent staff to Baghdad on temporary duty to advise on detentions and corrections, access to justice, and other rule of law issues in Iraq. As part of a joint effort with DoD and State, BOP staff also participated in a prison assessment in the Maldives.

International Efforts to Improve Prison Conditions

International Organizations

The United Nations Office on Drugs and Crime (UNODC) is the primary international organization seeking to address the myriad global challenges associated with prisons. They are the custodians of the UN Standard Minimum Rules for the Treatment of Prisoners (SMRs), which is the primary set of

international norms by which prison conditions are evaluated. In 2010, the UNODC Crime Commission began a much-needed review of the SMRs, which have not been substantially revised since their initial adoption by the UN Economic and Social Council in 1957.

The United States supports the SMRs, which have proven to be a valuable set of general rules by which to manage prison systems and facilities, and is an active participant in the current review process. In addition to the SMRs, UNODC also relies on other important international documents to advance its work in this area, including the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines).

UNODC is of the view “that prison reform should not be regarded in isolation from broader criminal justice reform” and carries out a limited set of programs consistent with this perspective. It offers assistance in improving legal safeguards for prisoners; encouraging the introduction and widening of the scope of alternatives to pre-trial detention within domestic criminal codes; increasing the scope of alternatives to imprisonment, decriminalizing certain acts, and reducing sentences for selected offenses; and supporting the social reintegration needs of offenders and ex-offenders.

UNODC carries out both country-specific and regional prison reform projects. For example, in Kyrgyzstan, the UNODC partnered with the government in a three-year effort to reform criminal justice legislation, develop a prison reform strategy, provide training to corrections personnel, improve prisoner reintegration programs, and improve the physical conditions in selected prisons. The program, which is scheduled to end in June, has resulted in the adoption of a new national strategy on penal reform and the construction of new bath and laundry facilities.

Although there is no specific UN reporting mechanism focused primarily on prison conditions, a wide array of UN special mandate holders – including the Working Group on Arbitrary Detention, and the special rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment; on extrajudicial, summary or arbitrary executions; on violence against women; and on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance – have devoted considerable attention to prison conditions. In his concluding 2010 report, for instance, Manfred Nowak, the then-special rapporteur

on torture and other cruel, inhuman or degrading treatment or punishment, expressed “shock” at the way human beings are treated in detention and concluded that “with a few notable exceptions ... conditions of detention in many of the facilities [he] visited [over the course of his tenure] can only be qualified as inhuman or degrading.” In addition, UN special rapporteurs or independent experts on particular countries, including Belarus and Iran, have expressed serious concerns about prison conditions in those places.

In 1996, the African Union formally acknowledged the scope and scale of this problem by creating a Special Rapporteur on Prisons and Conditions of Detention in Africa (SRP). This remains the only international or regional mechanism specifically devoted to prison conditions. The SRP’s mandate is “to examine the situation of persons deprived of their liberty within the territories of States Parties to the African Charter on Human and Peoples’ Rights.” The SRP has conducted over 25 missions to 23 countries since the mandate was created and has identified a wide range of problems. In his October 2012 report, the SRP concluded “prison systems in most African countries are in crisis.” In virtually all reports on country visits, the SRP called for additional resources to be dedicated to prisons.

The International Committee of the Red Cross (ICRC) and related organizations also work in cooperation with countries seeking to address these problems, often through government-sanctioned visits to prisons and in private interviews with detainees. The purpose of these visits is to ensure governments are in compliance with international legal standards in their treatment of detainees. The organization’s findings and recommendations are then communicated through confidential channels to the relevant government officials in the hopes of improving the prison conditions and prisoner treatment. To date, ICRC experts are allowed access to 500,000 prisoners in 80 countries around the world.

In December 2011, the ICRC signed a memorandum of understanding with Bahrain’s Ministry of Interior to allow the organization visitation rights with detainees based in Jaw prison, the country’s main detention facility. One month later, a team of five delegates, including one physician, entered the country, marking the first time in a decade that ICRC officials have been able to monitor places of detention.¹⁵ Likewise, in November 2012, Burmese authorities announced that following a seven-year interregnum, the ICRC would be allowed renewed access to penal facilities to conduct official visits with detainees. In early

¹⁵ International Committee of the Red Cross, <http://www.icrc.org/eng/resources/documents/interview/2012/bahrain-detention-interview-2012-02-07.htm>

2013, the ICRC conducted a pilot visit to places of detentions in Burma and plans to conduct additional visits to help the government improve the treatment of detainees and conditions of detention.

In addition to these efforts, the ICRC also conducts educational seminars and conferences to assist countries seeking to address prison-related challenges. In November 2012, for example, prison managers from Cambodia, Fiji, Indonesia, Laos, Malaysia, Burma, Papua New Guinea, the Philippines, and Thailand attended a two-day ICRC seminar which focused on how to mitigate the source and impact of overcrowded prisons.¹⁶

Foreign Governments

In addition to the work of the United States and international organizations, a wide array of foreign governments is striving to uphold their own domestic legal responsibilities and working to follow international guidelines such as the Standard Minimum Rules for the Treatment of Prisoners. Positive practices undertaken by governments include:

- A number of countries have worked to address issues related to the physical conditions in their prisons, including overcrowding. For example, the National Assembly in Benin passed a new Criminal Procedure Code in March 2012 which aims to decrease pretrial detention, hasten judicial proceedings, reduce prison congestion, and protect prisoners' rights. On December 3, the Cotonou Court of Appeal heard a total of 29 criminal cases involving 57 accused adults, the first such session since 2009. Observers expected this court session to alleviate some prison overcrowding. In Cameroon, the government launched a prison modernization assessment, which resulted in the total renovation of 47 prisons, the construction of 27 wells, and the purchase of 10 vehicles to transport prisoners. In Mexico in 2012, the government inaugurated two new state-of-the-art federal facilities in Sonora and Guanajuato in an effort to address overcrowding. The new facilities will eventually each hold 2,500 high-security prisoners. In addition, the government of Haiti, with international assistance, sponsored the construction of new prison facilities throughout the country.
- Some governments have taken steps to prevent the physical abuse of prisoners, in response to ongoing problems. In Japan, the government took steps to

¹⁶International Committee of the Red Cross, <http://www.icrc.org/eng/resources/documents/news-release/2012/11-21-philippines-detention-overcrowding.htm>

improve training for staff at all 52 juvenile training schools following the conviction of four instructors who abused residents at a reform facility for juvenile offenders. Beginning in 2011, the government of Panama opened a Penitentiary Training Academy to address human rights, prisoner's rights, and penitentiary law. As of September 2012, 490 custodians had been trained. Prison directors also received training under the auspices of UNODC at the Dominican Republic's National Penitentiary School. In Mongolia, the parliament took a number of steps to improve conditions and prevent abuses in prisons and detention centers, including the requirement of video and voice recording equipment in interrogation rooms, pre-trial detention centers, and prisons.

- Allowing prisoners reasonable contact with visitors and respecting prisoners' right to freedom of religion or belief, including by permitting religious worship, observance, and practices, are perhaps the two most commonly respected prisoner guarantees worldwide, including by some governments with poor human rights records within their prison systems. In Lebanon, for instance, inmates can practice their religion and receive visitors once or twice per week, with the frequency of visits dependent on the severity of the inmate's crime. Likewise, in Honduras, authorities generally permitted inmates to have reasonable access to visitors and religious services of their choice. In Zimbabwe, prisoners are permitted religious observance, and all prisons engaged locally based chaplains to provide basic services. In addition, church groups have trained chaplains to provide religious services and life skills classes for prisoners.
- Many countries also have established procedures that permit prisoners to submit complaints to judicial authorities without censorship, investigate credible allegations of inhumane conditions, and document the results of such investigations in a publicly accessible manner. In Belgium, for example, prisoners and detainees are able to submit complaints to judicial authorities and the government has established oversight committees tasked with monitoring conditions of detention and informing the Ministry of Justice of their findings. Similarly in Kenya, magistrates and judges made prison visits during the year, providing an avenue for prisoners to raise grievances. The government also established court user committees, which included paralegals and prison officials, to increase prisoners' access to the judicial system.

Conclusion

As this report has demonstrated, the problems faced by persons in detention are expansive in both their nature and geography. They range from inadequately resourced detention facilities to intentional and calculated acts of mistreatment by repressive governments. They are found in developed as well as developing countries around the world. Yet the precise nature of the challenges is specific to each country. This, in our view, warrants country-specific approaches for addressing them.

In recent years, the U.S. Government has elevated its attention to these issues through more extensive and detailed reporting in our annual human rights reports, issuance of a guide for diplomats and consular officers to use in monitoring prison conditions, and increased commitment of programmatic and human resources. We intend to continue these efforts, and welcome further support from Congress to these ends.

Appendix – List of Countries Whose Governments Receive Foreign Assistance

As discussed in the body of this report, prison and detention facility conditions in the following 25 countries whose governments receive United States assistance raise serious human rights or humanitarian concerns:

Afghanistan
Bangladesh
Benin
Brazil
Burma
Cambodia
Chad
Democratic Republic of the Congo
Ethiopia
Georgia
Haiti
Honduras
Iraq
Lebanon
Liberia
Mexico
Pakistan
Panama
Saudi Arabia
Serbia
South Sudan
Sri Lanka
Ukraine
Uzbekistan
Vietnam